

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tyler Walls	Team: Squad #6	CCRB Case #: 201910512	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 11/25/2019 11:24 PM	Location of Incident: [REDACTED]	Precinct: 48	18 Mo. SOL 5/25/2021	EO SOL 1/9/2022	
Date/Time CV Reported Tue, 11/26/2019 12:35 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 12/06/2019 11:48 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Jordan Moses	24160	963174	048 PCT
2. POM David Ramirez	25053	962711	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Gaetjeans Doxy	03467	936518	048 PCT
2. POM Amin Fontana	21446	941773	048 PCT
3. POF Linda Woods	05930	951006	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM David Ramirez	Abuse: Police Officer David Ramirez threatened to damage § 87(2)(b)'s property.	[REDACTED]
B.POM David Ramirez	Off. Language: Police Officer David Ramirez made remarks to § 87(2)(b) based upon race.	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

### Case Summary

On November 25, 2019, § 87(2)(b) filed the following complaint with the IAB over the phone, under log number 19-42463. On December 6, 2019, this complaint was referred to the CCRB.

On November 25, 2019, at approximately 11:24 p.m., officers from the 48<sup>th</sup> Precinct responded to § 87(2)(b) in the Bronx. PO David Ramirez and PO Jordan Moses went to § 87(2)(b) which belonged to § 87(2)(b). The officers knocked on the door and PO Ramirez allegedly told § 87(2)(b) to open the door or he would kick it down (**Allegation A: Abuse of Authority; § 87(2)(g)**). § 87(2)(b) opened the door and questioned why the officers knocked. PO Ramirez allegedly replied “What you gonna do, nigger?” (**Allegation B: Offensive Language; § 87(2)(g)**). PO Ramirez told § 87(2)(b) to get dressed and come back to the front door. § 87(2)(b) went back inside and got dressed. Upon returning to the front door, PO Ramirez and PO Moses had already left.

§ 87(4-b), § 87(2)(g)

BWC video footage was obtained but did not depict the incident. No video surveillance footage was obtained.

### Findings and Recommendations

#### Allegation (A) Abuse of Authority: Police Officer David Ramirez threatened to damage

§ 87(2)(b) s property.

#### Allegation (B) Offensive Language: Police Officer David Ramirez made remarks to § 87(2)(b) based upon race.

EVENT # § 87(2)(b) noted that an anonymous individual reported that her father stabbed and killed an individual. The caller did not provide further information. The EVENT noted that PO Ramirez and PO Moses responded to § 87(2)(b) along with Sgt. Geatjeans Doxy of the 48<sup>th</sup> Precinct. They performed an interior search of the building (**BR 01**).

§ 87(2)(b) testified that he heard a knock on his apartment door at § 87(2)(b) in the Bronx. § 87(2)(b) looked out of the peephole. PO Ramirez leaned on the wall across from the hall as PO Moses stood next to the stairwell. PO Ramirez told § 87(2)(b) to open up his door or he would kick it down. § 87(2)(b) opened his door and asked the officers why they knocked on his door so heavily. PO Ramirez replied “What you gonna do, nigger?” and told § 87(2)(b) to put on some clothes. § 87(2)(b) returned to the door after putting on clothes, but PO Ramirez and PO Moses already left. PO Ramirez matched the description § 87(2)(b) provided of the subject officer (**BR 02**).

A number of individuals were identified as neighbors to § 87(2)(b) s apartment. These individuals were contacted but they either did not witness the incident, refused to provide a statement, or could not be reached.

PO Ramirez did not recall responding to the incident location, knocking on any doors, or speaking to any tenants in the building. PO Ramirez did not recognize § 87(2)(b) from his CCRB photograph. PO Ramirez denied threatening to kick down § 87(2)(b) s door. PO Ramirez denied saying “What you gonna do, nigger?” to § 87(2)(b) or anyone else. PO Ramirez denied making any remarks about race (**BR 03**).

PO Moses testified that he responded to § 87(2)(b) in the Bronx once before but did not remember responding to the location on that day. He and PO Ramirez knocked on doors. PO Moses spoke with a female tenant and no one else. PO Moses denied that PO Ramirez threatened to kick down § 87(2)(b) or any other civilian’s door. PO Moses denied hearing PO Ramirez say, “What you gonna do, nigger?” or any other statement based on race (**BR 04**).

Sgt. Doxy, the patrol supervisor for the 48<sup>th</sup> Precinct, and his operator PO Amin Fontana of the 48<sup>th</sup> Precinct, testified that they and PO Linda Woods of the 48<sup>th</sup> Precinct, and PO Woods’ unidentified partner responded to § 87(2)(b). Sgt. Doxy and PO Fontana

confirmed that PO Ramirez and PO Moses responded to the incident. Sgt. Doxy and PO Fontana said that PO Ramirez and PO Moses separated from the other officers and patrolled half of the apartment complex on their own. Though Sgt. Doxy and PO Fontana searched the location, they did not interact with § 87(2)(b) and did not witness PO Ramirez threaten to kick down an individual's door or make any comments based on race **(BR 05, 06)**.

There was no BWC from the initial incident **(BR 07)**.

The Resource Recap Log indicated that PO Ramirez and PO Moses responded to an assault at § 87(2)(b) at 10:24 p.m. **(BR 08)**.

PO Ramirez and PO Moses did not make any memo book entries regarding the incident.

The pedigree information on PO Ramirez's records matched the detailed description provided of PO Ramirez **(BR 09)**.

BWC pertaining to PO Johanna Vega of the 48<sup>th</sup> Precinct showed her respond to the location with Sgt. Michael Vega after § 87(2)(b)'s alleged interaction. PO Vega and Sgt. Vega arrived on November 26, 2019 at 1:38 a.m., and took a complaint report in regards **(BR 10)**. § 87(2)(b) testified that PO Ramirez threatened to kick down his door and that PO Ramirez told him, "What are you going to do my nigga?" § 87(2)(g) **(BR 11)**.

The EVENT and the Resource Recap Log confirmed that PO Ramirez and PO Moses responded to § 87(2)(b) in the Bronx. Sgt. Doxy and PO Fontana testified that PO Ramirez and PO Moses responded and also separated from the rest of the officers to patrol half of the building. Furthermore, PO Ramirez fit the description of the subject officer provided by § 87(2)(b). Soon after the incident, § 87(2)(b) provided a statement to PO Vega and Sgt. Vega, captured on BWC, § 87(2)(g). The IAB log also noted that § 87(2)(b) reported that officers came to his door and threatened to knock it down and an officer said, "What are you gonna do my nigga?"

However, during their CCRB interviews, PO Ramirez and PO Moses did not recall responding to § 87(2)(b). PO Ramirez denied threatening to kick down § 87(2)(b)'s door and denied making any offensive remarks based on race. As noted, neither PO Ramirez nor Moses had BWC or memo books entries pertaining to this incident. There was no surveillance footage available. Finally, though § 87(2)(b) noted that neighbors heard the incident, no witnesses were located.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

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§ 87(4-b), § 87(2)(g)

#### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 16**).
- PO David Ramirez has been a member-of -service for three years and has been a subject officer in 13 CCRB complaints and 48 allegations, of which five were substantiated:
  - 201809895 involved a substantiated allegation of sexual misconduct against PO Ramirez. The Board recommended charges and the NYPD has not yet imposed discipline.
  - 201900868 involved a substantiated allegation discourtesy against PO Ramirez. The Board recommended charges and the NYPD has not yet imposed discipline.
  - 201901824 involved substantiated allegations of threat of arrest and discourtesy against PO Ramirez. The Board recommended charges and the NYPD has not yet imposed discipline.
  - 201904950 involved substantiated allegations of sexual misconduct against PO Ramirez. The Board recommended charges and the NYPD has not yet imposed discipline.
  - § 87(2)(g)

#### Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- § 87(2)(b)
- As of March 23, 2020, the NYC Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**BR 18**).

Squad No.: 6

Investigator: Tyler Walls  
Signature

Inv. Tyler Walls  
Print Title & Name

5/19/2020  
Date

**CCRB Case # 201910512**

Squad Leader: Jessica Pena IM Jessica Pena 5/20/2020  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date